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STRADDLING FISH STOCKS AND
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SPECIAL REQUIREMENTS OF DEVELOPING COUNTRIES IN RELATION TO STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

(Submitted by the delegations of Australia, Cook Islands, Fiji, Kiribati, Marshall Islands, Micronesia (Federated States of), New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga and Vanuatu)

1. In exercising their rights and fulfilling their obligations with respect to living marine resources, including straddling fish stocks and highly migratory fish stocks, developing countries have special requirements and need special assistance. This has been recognized in the United Nations Convention on the Law of the Sea and elsewhere. Article 119 (1) (a) of the Convention, for example, provides that in determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall consider the "special requirements of developing States".

2. In working towards international agreements which respect the interests of all and protect the integrity of the global environmental and developmental system, the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in 1992, proclaimed that the "special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority". 1/

3. This is further reflected in Agenda 21 adopted at the United Nations Conference on Environment and Development, in which States recognized that the ability of developing countries to fulfil agreed objectives for the conservation and sustainable use of living marine resources on the high seas was dependent upon their capabilities, including the financial, scientific and technological means at their disposal. States agreed that "adequate financial, scientific and technological cooperation should be provided to support action by developing countries to implement these objectives". 2/ In this respect, small island developing States and islands supporting small communities constituted a

"special case" for assistance to enable them to participate effectively in the conservation and sustainable utilization of adjacent high seas living marine resources. 3/

4. Developing countries face constraints in the quest for sustainable management and use of straddling fish stocks and highly migratory fish stocks. There can be no global or blanket solution to developmental problems, as particular regional and national characteristics place specific constraints on different countries. The assistance that has already been given to developing countries, as well as the most recent indications of further support, are seen as a valuable indication of the intention of the more fortunate to help those less well off. The intention of the Food and Agriculture Organization of the United Nations (FAO) to establish a special programme of assistance to developing countries, in line with the recommendation of the FAO Technical Consultation on High Seas Fishing, 4/ is also noted with particular interest.

5. It is important, however, bearing in mind the limited resources available, that the solutions developing countries have set for themselves should be in areas where assistance is concentrated. This would ensure that whatever assistance is rendered to developing countries would be entirely appropriate within the scope of national strategy planning, thereby enhancing the ability of developing countries to obtain the full social and economic benefits from the sustainable utilization of marine living resources.

6. Achieving sustainable development in fisheries is often beyond the means and capacities of developing countries, particularly the small island developing States. Therefore, States should cooperate at a global, regional or bilateral level and, as appropriate, with the support of international, regional or subregional organizations, to provide assistance to developing countries to enable them to develop their capabilities, including through the provision of financial, scientific and technological means as well as human resources development, in order that they can fulfil their obligations with respect to conservation and management, monitoring, control and surveillance, including enforcement measures for both straddling fish stocks and highly migratory fish stocks.

7. In this regard, it is recommended that this Conference request all members of the international community which have the capacity to do so to assist developing countries to develop their capacity to conserve, manage and develop national fisheries for straddling fish stocks and highly migratory fish stocks, including:

Types of assistance

(a) Human resources development;

(b) Financial assistance;

(c) Technical assistance;

(d) Technology transfer, including joint venture arrangements;

(e) Appropriate consultative and advisory services.

Areas of assistance

(a) Collection, reporting, verification and exchange of fisheries and fisheries-related data and information;

(b) Scientific research:

(i) Developing scientific and technological programmes;

(ii) Training, including capacity-building at the local level;

(c) Monitoring, control and surveillance:

(i) Training, including capacity-building at the local level;

(ii) Development and funding of national and regional observer programmes;

(iii) Vessel monitoring systems;

(iv) Access to technology and equipment;

(d) Access to dispute settlement mechanisms within regional and subregional arrangements;

(e) Participation in fisheries for straddling stocks and highly migratory stocks:

(i) Preferential access rights to high seas fisheries for developing countries to straddling stocks or highly migratory fish stocks in a region or subregion in which the particular developing country is located;

(ii) Development of infrastructure, including shore-based facilities, transshipment, joint ventures and port facilities in developing countries;

(iii) Promotion of access to markets and the reduction of, and eventual elimination of, tariffs and non-tariff barriers to trade, as proposed in the Declaration of Cancún 5/ and as noted by the FAO Technical Consultation on High Seas Fishing; 6/

(iv) Employment opportunities for developing country nationals in the fishing industry.

Means of facilitating assistance

(a) Programmes of assistance to developing countries, where appropriate, through existing regional and subregional organizations;

(b) A special programme for assistance to developing countries through FAO and other global, international or regional organizations.

Notes

1/ See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 (vol. I)), annex I.

2/ Ibid., annex II, para. 17.48.

3/ Ibid., paras. 17.124 and 17.128.

4/ Report of the FAO Technical Consultation on High Seas Fishing, Rome, 7-15 September 1992 (A/CONF.164/INF/2), para. 96.

5/ "That tariff and non-tariff barriers affect international trade in fish products and rational utilisation of fisheries resources and that in this regard, there is a need to reach agreement on measures to promote international trade in fish products consistent with the negotiations taking place in the Uruguay Round of the GATT, general principles of the GATT and the principles of responsible fishing". See International Conference on Responsible Fishing, Cancún, 6-8 May 1992 (A/CONF.151/15), annex, para. V.

6/ Report of the FAO Technical Consultation on High Seas Fishing, Rome, 7-15 September 1992 (A/CONF.164/INF/2), para. 89.